

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
Northern Division

JANET M. ANDREONE

c/o Wendell Finner PC
9407 Harford Road
Baltimore MD 21234

CASE NO.

Plaintiff,

vs.

CITIBANK, N.A.

Serve on: The Corporation Trust, Incorporated, resident agent
2405 York Road , Suite 201
Lutherville Timonium MD 21093-2264

and

TENAGLIA & HUNT, P.A..

Serve on: CSC-Lawyers Incorporating Service Company
7 St. Paul Street
Suite 820
Baltimore MD 21202

Defendants

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

INTRODUCTION

1. Janet M. Andreone, Plaintiff, sues Citibank, N.A. (Citibank) and Tenaglia & Hunt, P.A. (Debt Collector) for their violations of the Maryland Consumer Protection Act (MCPA), the Maryland Consumer Debt Collection Act (MCDCA), and the Fair Debt Collection Practices Act (FDCPA). Fundamentally this case is about Defendants' refusal to respect Ms. Andreone's consumer rights by contacting her to collect a consumer debt in order to harass her, even though it knew she was represented by an attorney.

PARTIES, JURISDICTION, AND VENUE

2. Ms. Andreone is a natural person residing in Baltimore County, Maryland and is a “consumer” as defined in the FDCPA and the MCPA.

3. Citibank is a federal banking association.

4. Debt Collector is a corporation formed under the laws of New Jersey. It is engaged in the business of collecting debts asserted to be owed to entities other than Debt Collector.

5. The Court has jurisdiction under 15 U.S.C. §1692l, 28 U.S.C. §§1331, 1367.

6. Venue is proper in this District and Division pursuant to 28 U.S.C. §1391(b)(2) and Local Rule 501(4)(b)(ii).

FACTUAL BACKGROUND

6. Ms. Andreone had an alleged debt to Citibank incurred for personal, family or household purposes. Ms. Andreone’s alleged debt to Citibank is a “debt” or “consumer debt” as defined by the FCCPA, Fla. Stat. § 559.55(6).

7. Ms. Andreone, facing numerous financial difficulties, hired Wendell Finner PC to represent her with respect to all debts and claims that her creditors may have had against her, and to seek relief from the overwhelming volume of debt collection calls and letters that she was receiving.

8. On October 9, 2017 Ms. Andreone, through counsel, advised Citibank that she was represented by an attorney with respect to all accounts owned or serviced by Citibank and requested that Citibank cease all direct contact with Ms. Andreone. A true and correct copy of the

the fax confirmation of the October 9, 2017 communication to Citibank is attached hereto as Exhibit A.¹

7. The October 9, 2017 communication to Citibank placed Citibank on notice that (a) Ms. Andreone was represented by counsel with regard to her alleged debt(s), (b) Ms. Andreone did not wish to be directly contacted by Citibank, and (c) Ms. Andreone disputed the alleged debt.

8. Following the October 9, 2017 notice of representation Citibank continued to send requests for payment directly to Ms. Andreone even though it had actual knowledge that she was represented by counsel and disputed the debt.

9. Debt Collector and Citibank are parties to an agreement, which is in those parties' exclusive possession, that provides for (a) Debt Collector to collect debts from consumers on Citibank's behalf and (b) Citibank to provide Debt Collector with attorney contact information regarding targeted consumers.

10. On June 13, 2018 Debt Collector, notwithstanding that Ms. Andreone was represented by counsel, sent her a letter attempting to collect an alleged debt to Citibank. A true and correct copy of the June 13, 2018 letter is attached hereto as Exhibit B.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

11. Ms. Andreone incorporates paragraphs 2-4 and 6-10 hereof.

12. By contacting Ms. Andreone when it knew her to be represented by an attorney, Debt Collector violated 15 U.S.C. §1692c(a)(2).

¹ The fax sent to Citibank contained a notice of representation which stated "PLEASE TAKE NOTICE that Wendell Finner 9407 Harford Rd Baltimore MD 21234 is my attorney at law who represents me with respect to all my debts and all claims my creditors have against me. I authorize and instruct him to discuss any of my accounts with my creditors and their affiliates, agents, employees, designees or assigns. I authorize and instruct my creditors to disclose such information to Mr. Finner as he may request, and to direct all communications to him as my attorney." The notice was signed by Ms. Andreone and included her social security number to assist recipients in identifying affected accounts. Due to the inclusion of Ms. Andreone's social security number, the Notice of Representation is not filed herewith.

13. The natural consequence of Debt Collector's direct dunning of Ms. Andreone when it knew her to have an attorney was to harass Ms. Andreone, in violation of 15 U.S.C. §1692d.

WHEREFORE, Plaintiff, Janet M. Andreone, demands judgment against Tenaglia & Hunt, P.A. for actual and statutory damages, attorneys' fees, interest and costs of suit.

COUNT II – MARYLAND CONSUMER DEBT COLLECTION ACT

14. Ms. Andreone incorporates paragraphs 2-4, 6-10, and 13 hereof.

15. Debt Collector could reasonably have expected that its direct communications with Ms. Andreone even though Debt Collector knew her to be represented by an attorney would abuse and harass her.

16. Citibank could reasonably have expected that its direct communications with Ms. Andreone even though Citibank knew her to be represented by an attorney would abuse and harass her.

17. By communicating with Ms. Andreone in such manners Citibank and Debt Collector violated the MCDCA, Md. Code, Com L. Art. §14-202(6).

18. Ms. Andreone experienced emotional distress and incurred attorneys' fees caused by Defendants' harassing communications.

WHEREFORE, Plaintiff, Janet M. Andreone, demands judgment against Citibank and Tenaglia & Hunt, P.A. for actual damages, attorneys' fees, interest and costs of suit.

COUNT III – MARYLAND CONSUMER PROTECTION ACT

21. Ms. Andreone incorporates paragraphs 2-3, 6-11, 14 and 16-19 hereof

22. By violating the MDCPA, Citibank and Debt Collector violated the MCPA, Md. Code, Com L. Art. §13-301 (14).

WHEREFORE, Plaintiff, Janet M. Andreone, demands judgment against Citibank and Tenaglia & Hunt, P.A. for actual damages, attorneys' fees, interest and costs of suit.

JURY DEMAND

Ms. Andreone demands trial by jury.

/s Wendell Finner
WENDELL FINNER, Bar No. 04379
9407 Harford Road
Baltimore, Maryland 21234
(410) 929-2440
(410) 449-1170 fax
himself@wendellfinner.com
Attorney for Plaintiff

WENDELL FINNER PC

LAW OFFICES

Admitted in Florida, Maryland, Virginia,
and the District of Columbia

9 October 2017

CREDITOR/AGENCY NAME: BEST BUY/CITI	Sent to Fax Number: 866-533-0529
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TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2

OUR CLIENT: JANET M. ANDREONE	Account No: 4269390085487850 Best Buy 6011549320565290 Merchant's Tire
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DOCUMENT: Signed Notice of Representation Follows

COMMENTS: The person who signed the attached notice is represented by the lawyers of this office with respect to all accounts owned or serviced by your firm. Our client's social security number is provided on the notice for your convenience in identifying all applicable accounts and should not be disclosed to any other party without the client's consent. This notice is effective until revoked.

Do not contact our client. Do not give our client's information to anybody else so that the recipient will contact our client instead of this office. If you authorize or instruct any other person to contact our client, or sell or give our client's contact information to anyone else, please tell us who that is or give that party this document. Any prior permission to contact the client's cellular, home or business phone is revoked. Our client disputes your claimed debt. You are specifically advised that the claimed balance of the referenced account contains fees and charges never assented to by our client. Please be governed accordingly.

9407 Harford Rd.
Baltimore, MD 21234

Phone: (410) 929-2440
Fax: (410) 449-1170

EXHIBIT A

Please send all mail to
our New Jersey address

TENAGLIA & HUNT

Law. Differently.

395 West Passaic Street | Suite 205
Rochelle Park, New Jersey 07662
201.820.6001 Main | 201.226.0795 Fax
201.820.6011 TTY

www.tenagliahunt.com

June 13, 2018

Andreone M Janet
3003 Willoughby Rd
Parkville MD 21234-4729

Creditor: Citibank, N.A.
Acct. No. ending: 5294
Product Type: NTB
Firm File No. CIT13649

Dear Andreone M Janet

Our law firm is outside counsel to Citibank, N.A. ("Citibank, N.A."), and has been asked to contact you regarding the unpaid balance on the above referenced account (the "Account"). Your current unpaid balance is \$2,483.65.

Citibank, N.A. has a range of payment options that may be available to assist you. Our law firm is committed to working with you to try to identify a solution to resolve your balance. If you have any questions or wish to discuss payment arrangements, please call our firm toll free at (866) 723-0578, Extension 118 to speak with Peter Lisa.

Please make all payments payable to Citibank, N.A.. Payments may be mailed to our law firm at 395 W Passaic St. Ste 205, Rochelle Park, NJ 07662.

Unless, within thirty (30) days after receipt of this notice, you dispute the validity of the debt or any portion thereof, we will assume the debt to be valid. If, within thirty (30) days of your receipt of this notice, you notify us in writing that the debt or any portion thereof is disputed, we will obtain a verification of the debt or, if the debt is founded upon a judgment, a copy of the judgment, and we will mail to you a copy of such verification or judgment. If the original creditor is different from the creditor named above, then upon your written request within thirty (30) days of the receipt of this notice, we will provide you with the name and address of the original creditor.

Very truly yours,
TENAGLIA & HUNT, P.A.

Robert M. Wilansky

THIS FIRM IS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

EXHIBIT B